



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,900	03/24/2004	Kim Annon Ryal	020699-100700US	5359
37490	7590	02/09/2007		
Trellis Intellectual Property Law Group, PC 1900 EMBARCADERO ROAD SUITE 109 PALO ALTO, CA 94303			EXAMINER NATNAEL, PAULOS M	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 02/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/807,900

Applicant(s)

RYAL, KIM ANNON

Examiner

Paulos M. Natnael

Art Unit

2622

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-36.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


Paulos M. Natnael
Primary Patent Examiner
Art Unit: 2622

Continuation of 11. does NOT place the application in condition for allowance because: the applied reference adequately discloses the claimed subject matter. Applicant argues that "it is vaguely suggested that the output video stream of Arora is somehow correlated to the at least two video streams of the present invention. However, Arora displays only an output video stream that is adapted to an aspect ratio conforming with a display screen. In addition, Arora is silent with regard to duplicate, copy, simultaneous, picture, PIP...."

In response, the examiner notes, first of all, the instant application discloses that modifying comprises duplicating and removing or adding at least one video element from or to the video stream to produce a modified duplicated video stream (see page 3).

Arora discloses providing modified video stream by eliminating the extraneous video used to convert video having second aspect ratio [0010]. The multimedia device 140 can generate video windows of arbitrary sizes for displaying output video stream 145 based on a selected aspect ratio [0013]. (Note the plural: windows; also, as the skilled in the art would realize, if a display has "windows" the images must be displayed in picture-in-picture (PIP) or picture within a picture, or picture-out-picture. Thus, Arora inherently discloses the notoriously well known PIP). The multimedia device can then present a second video stream to the user. The second video stream is presented at the detected aspect ratio. In one embodiment, the second video stream represents the video content in the first video stream with a significant amount of extraneous video, such as the black bars, removed. [See 0023]. Thus, the examiner submits, Arora clearly states not only an output video stream, as applicant asserts, but that the system can present a second video stream as well. To emphasize this, Arora discloses "receiving a first video stream, wherein the first video stream is provided at a first aspect ratio, providing a second video stream, based on the first video stream, wherein the second video stream is provided at the second aspect ratio. (see claim 1, page 6) The key here is the phrase "based on the first video stream." If it is based on the first video stream, it must have been duplicated, or is a duplicate, a copy, of the video stream, except it is modified by removing some elements of the video such as the black bars. Therefore, the argument that Arora does not use the same words such as duplicate, copy simultaneous, picture, PIP as that of the instant application and, thus, does not disclose or suggest the claimed subject matter, is unpersuasive because one does have to use the same words and terms the applicant is using; it is important that the applied reference (Arora) aims to solve similar problem that of the present claims but does not have to use the same terms to describe the problem or the solution.



PAULOS NATNAEL
PRIMARY PATENT EXAMINER